

1 court reporter to have marked as Easton Exhibit 4. It is an
2 eight-page document on the letterhead of Wilkinson, Barker,
3 Knauer & Quinn, dated January 26, 1996.

4 (Easton Exhibit 4 was marked
5 for identification.)

6 THE WITNESS: Okay.

7 BY MR. WEBER:

8 Q Is this the document you were just referring to as
9 being a request filed by the counsel?

10 A That's correct. I thought there was more to it
11 than this, but this is certainly the first part of it.

12 Q I'd like you to turn to the last two pages, the
13 first of which is titled "Declaration of Anthony T. Easton,"
14 and then on the very last page is that your signature?

15 A Yes, sir, it is.

16 Q Was Mr. Breen involved in any way in the
17 compilation of information for this filing to be made with
18 the FCC?

19 A I don't think so. I think he had general
20 conversations with Mr. Sullivan, but I wrote this
21 declaration. He didn't have anything to do with that.

22 Q I mean, for the filing as a whole, not just your
23 declaration.

1 A Well, he certainly was involved with the process.
2 He was the attorney of the two of us who was dealing with
3 legal matters, so the answer should be yes, because that's
4 what he did.

5 Q And, therefore, to your knowledge, he was aware of
6 what was in this filing?

7 A I believe that's correct, yes, sir.

8 Q During the board meeting on January 27th, were --
9 I'd like you to turn back to Easton Exhibit 3. The very
10 first paragraph lists people present at the meeting. Is
11 that a full-and-complete list of who was present at the
12 meeting?

13 A I don't remember who was present at the meeting,
14 but I would assume that this is correct.

15 Q Were all the people sitting around the table?

16 A Yes, sir, they were.

17 Q During the portion of the meeting where you were
18 discussing the bidding error, what, if anything, was Mr.
19 Breen doing?

20 A I have no idea.

21 Q Did Mr. Breen at any point during this meeting
22 refute any of the information you had conveyed to the board?

23 A Not -- the word "refute" is a fascinating word.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In Re:)
) Investigation
WESTTEL, L.P.)
WESTTEL SAMOA, L.P.)

Deposition of CYNTHIA HAMILTON, taken on behalf of the
Federal Communications Commission, at 4000 South El Camino
Road, Villa Hotel, Room 824, San Mateo, California on
Thursday, February 6, 1997, commencing at approximately 7:15
p.m. before Margaret Harris, Notary Public.

APPEARANCES

On behalf of the Federal Communications Commission:

JOSEPH PAUL WEBBER, Esq.
Federal Communications Commission
Wireless Telecommunications Bureau
2025 M. Street, N.W.
Washington, D.C.
(202) 418-1317

On behalf of the Deponent:

CYNTHIA L. HAMILTON, Pro Se
1520 South Delaware Street
San Mateo, California 94402

1 Q And that was when you were a temp there?

2 A Yeah.

3 Q When you were hired -- did there come a time when
4 you were hired full time by San Mateo Group?

5 A Yes.

6 Q Who hired you at that point?

7 A Terry Easton.

8 Q And at that point he was happy with the work you
9 did as a temp?

10 A He was very happy, yeah.

11 Q Up until January -- well, in the period of January
12 1996, what were your job responsibilities?

13 A In January my job responsibilities were solely to
14 support the bidding activity. I would come in in the
15 morning and upload the file that was supposed to be made
16 available to me for the bidding process, print out a copy of
17 what was uploaded, check it against sheets that I had been
18 given, usually that were signed, showing what the intended
19 bid was. On Terry's direction I would submit the bid, and
20 then after that I would help with downloading the FCC files,
21 I don't know what you call them, the files showing the bids
22 before withdrawal, and downloading the bids after withdrawal
23 and preparing flash reports on both of those. Preparing
24 maps showing the results of the bids and different scenarios
25 that they would run.

1 Breen?

2 A Yes.

3 Q Was this before or after that board meeting?

4 A It was during the meeting, while my vacation check
5 was being prepared, they had forgotten to prepare that.
6 Quentin came out of the meeting and came over and put his
7 arm around me and asked how I was doing, and just chit-chat,
8 because Quentin and I were, I guess, pals, you know, we
9 chatted a lot. And I told him there was something I needed
10 to tell him and asked if I could speak with him in his
11 office.

12 Q And then did you go into his office?

13 A We went back to his office and my friend, Ros,
14 followed us in there. And we talked about several things,
15 one of which was that I told him I wanted to make sure he
16 knew that Terry had lied to the FCC on a recorded phone
17 line, that Terry had made the mistake on the bid, it
18 happened on this end, it was not the FCC's computer. As for
19 the other details from -- I don't recall all of the
20 conversation, from looking at previous statements I made, I
21 believe that I told him -- in fact Terry had -- I think I
22 used the words either "Cooked the books" or "Doctored the
23 database and faxed papers to the FCC". I am pretty sure,
24 pretty positive actually, that I told him that Terry took my
25 binder and that Terry was digging through the trash can for

1 ask me to do something that I didn't think was ethical. And
2 so I wanted to remove myself from the whole situation.

3 Q And do you think you told that part to Mr. Breen
4 as well?

5 A I think so but I'm not absolutely sure.

6 Q What was his response to your informing him of why
7 you had left the company?

8 A He wasn't surprised, he didn't say much. I
9 remember thinking he's a smart attorney because he's
10 listening, but he's not saying anything, he's not saying
11 yes, I know Terry did this. He didn't -- he certainly
12 didn't paraphrase back to me anything I had said to him. He
13 just, you know, kind of heard what I said and we talked
14 about a few other things and --

15 Q Did it appear to you that he already knew?

16 A I had asked him specifically did Ronit tell you
17 about this, and he said yes. And I still wasn't sure, you
18 know, when I say about this, I wasn't sure what she had told
19 him and I didn't quite believe that she had told him what I
20 was going to tell him, or that she would put in the details.
21 I did not trust her to notify him. Part of my whole problem
22 with the whole event is that I should not have had to have
23 been the person to do this, that Ronit should have. That
24 she had a duty to call Javier, and that when she didn't do
25 it, I didn't expect her to notify anybody else either.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

| | | |
|------------------------------------|---|----------------------|
| In re Applications of: |) | WT Docket No. 97-199 |
| |) | |
| WESTEL SAMOA, INC. |) | File No. |
| |) | 00560-CW-L-96 |
| For Broadband C Block Personal |) | |
| Communications Systems Facilities) |) | |
| |) | |
| and |) | |
| |) | |
| WESTEL, L.P., |) | File Nos. |
| |) | 00129-CW-L-97 |
| For Broadband C Block Personal |) | 00862-CW-L-97 |
| Communications Systems Facilities) |) | 00863-CW-L-97 |
| |) | 00864-CW-L-97 |
| |) | 00865-CW-L-97 |
| |) | 00866-CW-L-97 |
| |) | |
| |) | |

DEPOSITION OF CYNTHIA HAMILTON

November 21, 1997

**CERTIFIED
COPY**

REPORTED BY: RAYNEE H. MERCADO, RPR, CSR No. 8258

ROBERT BARNES ASSOCIATES
41 Sutter Street, Suite 619
San Francisco, California 94104

1 subject?

2 A. Yes.

3 Q. Thank you.

4 I'd like to direct your attention to the
5 23rd of January, 1996. On that date, where were you
6 employed?

7 A. San Mateo Group in San Mateo.

8 Q. What was your title?

9 A. I didn't really have one. I think we
10 agreed it was administrative assistant/research analyst.

11 Q. And what were your duties?

12 A. On that date?

13 Q. Yes, ma'am.

14 A. On that date and around that date, my
15 duties were to assist in the bidding and the C block
16 auction.

17 Q. And was that bidding being undertaken on
18 behalf of PCS 2000, LP?

19 A. Yes.

20 Q. Could you describe the physical layout of
21 the offices of the San Mateo Group?

22 A. There were actually two offices that were
23 not connected. The one -- If you're in the hallway, the
24 one on the left was the server room, just one room, had
25 the servers and some other computers.

1 Q. And was that that day?

2 A. Yes.

3 Q. Did you have any other conversations with
4 people at the San Mateo Group after lunch?

5 A. Probably but I don't remember for sure.

6 Q. So you do not recall specifically speaking
7 to anybody on any particular subject in the afternoon?

8 A. No, I don't remember.

9 Q. But you are certain that you did not have
10 any conversation in which you disclosed the fact that
11 you had the documents?

12 A. No.

13 Q. You're not certain or --

14 A. I'm sorry. While I was at the office, I
15 did not tell anybody I had the documents.

16 Q. Approximately what time did you leave the
17 offices of the San Mateo Group that day?

18 A. Probably around 5:30, 5:00 or 5:30.

19 Q. While you were in the offices of the
20 San Mateo Group on the 23rd, was Mr. Breen in the
21 office?

22 A. No.

23 Q. Do you know where Mr. Breen was that day?

24 A. Actually, yes.

25 Q. And where was that?

1 A. He was in his car traveling from Oregon
2 down to our offices. I remember talking to him at some
3 point in the morning before the error was discovered and
4 looking at a map when he was describing exactly where he
5 was.

6 Q. Do you recall approximately where that was
7 now?

8 A. Somewhere near the Oregon/California border
9 at that time.

10 Q. In the course of that conversation, did
11 Mr. Breen indicate to you any particular weather
12 conditions or driving conditions?

13 A. I believe that there had been very heavy
14 snow, and I don't know if he'd encouraged delays getting
15 through or his trip was delayed from the beginning, but
16 there was very heavy snow at that point.

17 Q. Did you return to the offices of San Mateo
18 Group on Wednesday the 24th?

19 A. No.

20 Q. Did you return to the offices of the
21 San Mateo Group on Thursday the 25th?

22 A. No.

23 Q. I'd like to back up for a moment,
24 Miss Hamilton, to the time when Mr. Easton came looking
25 for the documents in the trash can at your work station.

1 Q. You indicate you left a message for
2 Mr. Kinnard saying that you couldn't believe that the
3 request for waiver had been filed after you talked to
4 Quentin?

5 A. Um-hmm. Yes.

6 Q. Do you know the date of that waiver
7 request?

8 A. I do now.

9 Q. Did you at that time?

10 A. I believe it was on the document, but I
11 either did not see it or still misconstrued the sequence
12 of events.

13 Q. Did you relate it to the date of your
14 meeting with Mr. Breen?

15 A. No.

16 Q. You indicated you called Javier Lamoso.
17 Can you remember the date on which you did that?

18 A. I started calling him on Monday the 5th,
19 and I believe I finally reached him on -- later that day
20 or possibly the next day.

21 Q. And when you called Mr. Lamoso, were you
22 under the impression that the waiver request had been
23 filed after you spoke to Mr. Breen?

24 A. Yes.

25 Q. Ms. Hamilton, were you aware that PCS 2000

Lamoso I

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re:)
)
WESTTEL SAMOA, INC.,) Docket No.: WTB/ENF 97-0720
and WESTTEL, L.P.)

Deposition of:

JAVIER LAMOSO

a witness of lawful age, taken on behalf of the FCC,
pursuant to notice, in the offices of the Federal
Communications Commission, Fifth Floor Conference Room,
2025 M Street, Northwest, Washington, D. C., 20554, on
Thursday, February 20, 1997, at 10:05 a.m., before Shari R.
Bowman-Acosta, Notary Public in and for the District of
Columbia when were present:

APPEARANCES:

On behalf of Federal Communications Commission:

JOSEPH PAUL WEBER, ESQ.
ROBERT CANNON, ESQ.
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, Northwest
Washington, D.C. 20554
(202) 418-1317

1 A I believe that at that time we were only at one
2 bid a day, and I think it was 9:30. In the east coast it
3 was 10 a.m., East Coast Time, or, no, a little later than
4 that 'cause see you -- I think it was 10 or 11 East Coast
5 Time, and then we had the withdraw period between 2 and 2:30
6 in the afternoon.

7 And the reason I can recollect very well is
8 because since I took over, since round 12, then we moved to
9 three, four, or five rounds and, you know, towards the last
10 month of April and May, I remember having to get there at
11 6:00 in the morning to be able to be all these rounds.

12 Q No, I understand. I was just saying if you did
13 recall what time the bids had to be submitted. That's fine.

14 Okay, on January 23rd when Mr. Easton did call
15 you, how long of a phone call was that?

16 A It was maybe five minutes.

17 Q And can you recall with some specifics of what he
18 said to you?

19 A He said that -- that an apparent mistake had been
20 shown up at the FCC server, a mistake on the FCC side. I
21 said, you know, I'm going to be getting calls from the
22 press. And he said, yes, you should. Well, what is the
23 company's position at this point? Well, what did happen?
24 He said it was -- you say it was on the FCC side.

25 I questioned how could that have happened, and he

1 said something about the server and giving some sort of
2 technical explanation that I could not repeat because I did
3 not understand, and to this day I won't believe it, now
4 definitely believe that explanation. And that was about it.
5 And, well, I was more interested in saying, well, let me see
6 what was submitted. And he faxed it to me. And he said he
7 had already called the FCC and that he was talking to
8 Wilkinson Barker, and Mike Sullivan at that point.
9 Wilkinson Barker.

10 Q And at this time did you know whether or not Mr.
11 Easton had any type of technical background where he would
12 understand computers?

13 A Oh, yeah. I know that his background. He's an
14 engineer. He's an electrical engineer from school that is
15 right here in Maryland. What's the name of the school?
16 It's a good school. One of the -- I don't know if it's
17 necessary, I do -- I know that he has also an MBA. I'm
18 sorry. A Master's in telecommunications.

19 Q So at first you accepted his technical
20 explanation. Even if you didn't understand it, you accepted
21 it because you knew he had a technical background?

22 A Exactly. I have to say he was also a professor,
23 you know, in engineering, and, yeah, he explained in very
24 complex ways. He did it more than once, none of which I
25 understood.

1 Q But he specifically did tell you that the mistake
2 was on the FCC side?

3 A Those were his words.

4 Q What was his demeanor when you were speaking to
5 him, if you could tell over the phone? Was he agitated?
6 Was he calm? Was he angry?

7 A I would say agitated. I would say breathing, I
8 don't want to say hyperventilating because it sounds more --
9 basically like someone that ran up the stairs and answer the
10 phone. That's the best I can explain it, the best way I can
11 describe it.

12 Q And at the time he spoke to you he had already
13 called the FCC and he had already called Mike Sullivan?

14 A I believe, yes.

15 Q Do you know if he had already spoken to Mr. Breen?

16 A No, I wouldn't know.

17 Q He didn't say anything about Mr. Breen?

18 A No, he didn't mention Mr. Breen.

19 Q At this time, on January 23rd, were you aware that
20 before bids were submitted to the Commission that he would
21 initial and put a time and date on a computer printout of
22 the proposed bids and they would be cross checked with what
23 was going to be submitted to the Commission?

24 A No, frankly, no. What I got and that he told me
25 he faxed to the FCC to me was just trying to evidence that

1 I didn't see her coming in. I saw her coming out with a
2 friend, an African-American girl, whom I had never seen
3 before.

4 Q At any point on the 26th after Mr. Breen had left
5 and came back into the meeting, did he ever make any
6 comments about that he had heard what had caused -- that
7 maybe he had heard a different story about what had caused
8 the overbid?

9 A Mr. Breen?

10 Q Mr. Breen.

11 A No, he never made a comment.

12 Q Did Mr. Breen make any comments that you can
13 recall at all about the overbid in this January 26 meeting?

14 A No. Not that I -- January 26th? I want to make
15 sure it's a Friday. We're talking about the Friday before
16 the board meeting?

17 Q Right.

18 A No, I'm sure he didn't.

19 Q And then there was another board meeting then on
20 the 27th?

21 A That was an emergency board meeting that we had,
22 and we scheduled it for Saturday because it was the quickest
23 one we could have. We just flew in a couple day --
24 actually, I think we had already scheduled our management
25 team meeting, and we had to schedule that one and --

1 Q And -- I'm sorry. I didn't mean to interrupt.

2 A No, it's just that it's very vivid in my mind
3 because we make Mr. Larry Moushin and Mr. Frank Goldstein,
4 counsels, in a short notice, we made them fly into San Mateo
5 for that meeting.

6 Q And the reason for the emergency meeting was the
7 January 23rd overbid?

8 A Exactly.

9 Q Were both Mr. Easton and Mr. Breen present at the
10 January 27th board meeting?

11 A Yes, they were.

12 Q Did Mr. Easton make any type of presentation about
13 how he believed the overbid occurred?

14 A Yes, he did for a long time, long period of time.
15 And at that time that was when things had changed regarding
16 where the mistake could have been. And he said that,
17 although he was responsible, that the mistake had been
18 committed by Cynthia Hamilton, and that she had left that
19 day, and that she had not returned. I took it like she left
20 the job.

21 Q So he actually blamed Ms. Hamilton for the
22 mistake?

23 A Yes.

24 Q Did he say how she could have caused the mistake?

25 A See, Mr. Easton is -- he's not clear when he

1 Cynthia, and disappear. I guess his management
2 responsibility was his. He did accept that.

3 Q Did he think that anything should be done to or
4 about, or done to Cynthia Hamilton because she made a
5 mistake?

6 A No.

7 Q Did he have any recommendations, what actions
8 should be taken with regard to her?

9 A No. No.

10 Q Did he say that's why she left the company,
11 because she made a mistake?

12 A He made you believe that, or he positioned it in
13 such a way that that's what you -- that made us believe
14 that. Basically that she couldn't face the responsibility
15 and therefore that she left work, you know.

16 Q At the January 27th board meeting, did Mr. Breen
17 make any statements about the mistake?

18 A Not to my recollection.

19 Q Now, there came a time when you actually spoke to
20 Ms. Hamilton about the mistake, correct?

21 A Yes.

22 Q Can you recall when that was?

23 A She called me on February 6th, I think it was.
24 I'm almost certain, the day before, day after February 6th.
25 The reason I go to that date is because I'm sure I remember

1 the date that I had to fly, the date that we retained, well,
2 basically, the Young, Vogl, Wilson firm, and I think it was
3 February 6th.

4 Q Between January 27th and February 6th, did Mr.
5 Breen ever make any statements to you about the mistake?

6 A Certainly not.

7 Q Now, Ms. Hamilton was the one who initiated the
8 call? She called you?

9 A She called me at my office.

10 Q And can you recall what she told you?

11 A She said, "Javier, you're moving fast, but you
12 don't have -- Price Waterhouse is not getting the whole
13 story. And as we speak Terry is erasing files."

14 That's what I -- although the conversation was
15 awfully short, it seemed awfully long now when I recall it.
16 And she said, and I asked her, "What do you mean?"

17 And she said, "Well, Price Waterhouse is there.
18 You sent Price Waterhouse to investigate the proceedings,
19 but Terry is lying to Price Waterhouse, and he's erasing
20 files as we speak, and that's not what happened that day."

21 And I said, "What happened that day?"

22 "Well, Terry actually did not check, and was too,"
23 I believe these are her words, "arrogant to do it the night
24 before and to double check the Control P that was submitted.
25 He didn't -- not until he realized the mistake when it was

1 Hamilton, did you ever mention to her that Mr. Easton said,
2 you know, "Cynthia, Terry says it's your fault," anything
3 like that?

4 A I didn't have to say that, no. I think she was
5 pretty much aware of that. I didn't talk very much. I
6 remember only asking her, "Why do you come to me now? I
7 wished you had come before." And I'll never forget, she
8 said, "Well, Javier, I wasn't sure on what side you were
9 on." And I was so upset. But, I mean, I wasn't upset with
10 her at that moment. I had not reason to be upset at her.

11 That's actually how we ended the conversation, I'm
12 pretty sure.

13 Q Now, after -- now, how long did that phone
14 conversation last?

15 A It must have been five minutes. I'm pretty sure
16 it was four or five minutes.

17 Q After you got the fax from her, did you call her
18 back that day?

19 A I don't recall having to call her back. I think
20 it was -- the documents that she sent me were pretty -- I
21 think I called her back to thank her. But I'm not sure if
22 it was that same evening. I don't think so because we had
23 too many things going on.

24 Q Did you speak to Mr. Easton that day?

25 A Yes.

1 Q Can you -- did you call him?

2 A Yes.

3 Q Can you tell me about that phone call?

4 A We -- it was from Fred Martinez office, and it was
5 Fred Martinez, he -- we said we had a fax that we want you
6 to take a look at, I think, and then we want to talk to you.
7 And he waited on hold, and Mr. Breen was in that
8 conversation too.

9 And I am not sure if -- I think in that phone call
10 when we initiated it -- no, we did one first to tell him we
11 were going to have a conference call in 10 minutes. We need
12 to have a conference call, and by the way, Mr. Frank
13 Goldstein and Larry Moushin are going to be in that call.

14 And then, you know, five minutes -- we had faxed
15 it, and five minutes later we were having that conference
16 call. And basically Larry Moushin, especially Larry
17 Moushin, I recall, he was very good at examining or cross-
18 examining at that point what he had told us vis-a-vis what
19 we had in our hands at that point. And Frank Goldstein
20 participated in that conversation too.

21 But basically that was a confrontation saying you
22 had been telling us all this other stuff, and we have these
23 documents. And we asked him to take a leave of absence at
24 that point.

25 Q And Mr. Easton was sent a copy of Cynthia

1 Hamilton's declaration at that point?

2 A Yes. And he tried to, you know -- I'm not sure
3 what the English word is -- when, you know, trying to find
4 false statements or inconsistencies within the affidavit,
5 and he didn't convince anyone.

6 Q And Larry Moushin at that point, he was here in
7 Washington, correct?

8 A Larry Moushin was in Washington, and so was Mr.
9 Frank Goldstein.

10 Q And Mr. Breen and Mr. Easton were in California?

11 A In San Mateo, and Mr. Richard Reiss, Fred
12 Martinez, Larry Odell and myself were in San Juan.

13 Q What did Mr. Breen have to say about Cynthia
14 Hamilton's declaration?

15 A Mr. Breen?

16 Q Yes.

17 A He was very quiet. He didn't say a word. In that
18 conference, he didn't say a word; not that I recall.

19 Q Can you recall if Mr. Breen at any point ever said
20 to you that he had heard from either Cynthia Hamilton or
21 Ronit Milstein that Mr. Easton was fabricating what had
22 happened?

23 A Definitely not. Definitely, no. I never heard, I
24 mean not prior to February 6th.

25 Q Did you hear after February 6th from Mr. Breen